

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICHARD W. PETRARCA,

Case No. 2:15-cv-01231-RFB-CWH

Plaintiff,

Y.

DR. ROMEO ARANAS et al.,

Defendants.

I. DISCUSSION

In June 2015, Plaintiff, then a *pro se* prisoner, initiated this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1-1). In April 2016, the Court appointed Cal J. Potter IV, Esq. as *pro bono* counsel. (ECF No. 23). On July 13, 2016, Mr. Potter filed a notice of death upon the record as to Plaintiff. (ECF No. 27). On August 23, 2016, the Court issued an order, pursuant to Fed. R. Civ. P. 25(a)(1), which directed any party or the decedent's successor or representative to file a motion for substitution. (ECF No. 28). The Court stated that, if there was no motion for substitution within ninety (90) days, the Court would dismiss the case. (*Id.* at 2). The 90-day period has expired and nobody has filed a motion for substitution. The Court now dismisses this case with prejudice.

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1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that this case is dismissed with
3 prejudice.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
5 accordingly.

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7 DATED THIS 2nd day of March, 2017.



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10 RICHARD F. BOULWARE, II
11 UNITED STATES DISTRICT JUDGE

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